



**DEPARTMENT OF DEFENSE
FREEDOM OF INFORMATION DIVISION
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155**

JUL 17 2019

Ref: 19-F-1508

Emma Best
MuckRock News
DEPT MR 76356
411A Highland Ave
Somerville, MA 02144

Dear Ms. Best:

This is an interim response to your July 16, 2019 Freedom of Information Act (FOIA) request, a copy of which is enclosed for your convenience. We received your request on the same day and assigned it case number 19-F-1508. We ask that you use this number when referring to your request.

Although we have already begun processing your request, we will not be able to respond within the FOIA's 20-day statutory time period as there are unusual circumstances which impact our ability to quickly process your request. The FOIA defines unusual circumstances as (a) the need to search for and collect records from a facility geographically separated from this office; (b) the potential volume of records responsive to your request; and (c) the need for consultation with one or more other agencies or DoD components having a substantial interest in either the determination or the subject matter of the records. At least one, if not more of these scenarios applies or would likely apply to your request. While this office handles FOIA requests for the Office of the Secretary of Defense (OSD), the Joint Staff (JS) and other component offices, we do not actually hold their records and our office is not geographically located with these organizations. As we do not hold the records, until the required records searches are complete, we are unable to estimate the potential volume of records or the number of consultations that will be required to make a release determination.

Before we can begin processing your request, we ask that you provide more information regarding the information you are seeking. Your request, as it is written, is too broad and not reasonably described. In recent court action, *James Madison Project (JMP) vs. CIA*, the court referred to a request as "too broad" because the term "pertaining to" is synonymous to the term "relating to," which generally indicates an overbroad request. A request for "all documents 'relating to' a subject is usually subject to criticism as overbroad since life, like law, is a 'seamless web,' and all documents 'relate' to others in some remote fashion." *Massachusetts v. U.S. Dep't of Health & Human Servs.*, 727 F. Supp. 35, 36 n.2 (D. Mass. 1989). Such a request "unfairly places the onus of non-production on the recipient of the request and not where it belongs - upon the person who drafted such a sloppy request."

Before search can continue, we ask that you provide the names of the OSD/JS components you believe would have the information you are seeking. Please help us by shedding more light on the records you are seeking. Providing the name of the specific OSD/JS component that would have the requested records will aid search and speed up processing time.

For communication records, we request that you provide specific "to" and "from" recipients, by name or job title, and subject of the communication. Please clarify what OGAs mean. If we have not heard from you by close of business August 16, 2019, we will believe that you are no longer interested and close the request.

Your request has been placed in our complex processing queue and is being worked based on the order in which the request was received. Our current administrative workload is approximately 2,968 open requests.

The OSD/JS FOIA Public Liaison, Darrell Williams, is available at 571-372-0462 or by email at OSD.FOIA-APPEAL@mail.mil to answer any concerns about the foregoing.

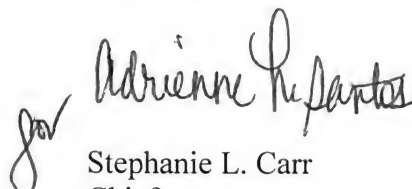
Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, MD 20740
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Fax: 202-741-5769
Toll-free: 1-877-684-6448

You have the right to appeal to the appellate authority, Ms. Joo Chung, Director of Oversight and Compliance, Office of the Secretary of Defense, by writing directly to OCMO Office of the Chief Management Officer, 4800 Mark Center Drive, ATTN: DPCLTD, FOIA Appeals, Mailbox# 24, Alexandria, VA 22350-1700. Your appeal must be postmarked within 90 calendar days of the date of this response. Alternatively, you may email your appeal to osd.foia-appeal@mail.mil. If you use email, please include the words "FOIA Appeal" in the subject of the email. Please also reference case number 19-F-1508 in any appeal correspondence.

We regret the delay in responding to your request and appreciate your patience. If you have any questions or concerns about the foregoing or about the processing of your request, please do not hesitate to contact Kris Zdrovitz at kristine.l.zdrovitz.civ@mail.mil or 571-372-0465.

Sincerely,


Stephanie L. Carr
Chief

Enclosures:
As stated